

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, ex. rel.
DAVID MORGAN,

Plaintiff,

v.

EXPRESS SCRIPTS, INC., et al.,

Defendants.

Civil Action No. 05-01714 (DMC) (JAD)

NOTICE OF MOTION

Return Date: May 20, 2013

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that on May 20, 2013, or as soon thereafter as counsel may be heard, Wolters Kluwer Health, Inc. d/b/a Medi-Span ("Medi-Span"), by its attorneys, shall appear before the Honorable Dennis M. Cavanaugh of the United States District Court for the District of New Jersey at the U.S. Post Office & Courthouse Building, Federal Square, Newark, New Jersey 07101, and shall move for an Order, pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6) dismissing Plaintiff's Third Amended Complaint.

PLEASE TAKE FURTHER NOTICE that at the return date of this Motion, Medi-Span shall rely on the memorandum in support submitted herewith, its reply memorandum, if any, all pleadings and papers of record, and oral argument as permitted by the Court. A proposed Order is submitted herewith for the Court's consideration.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: April 16, 2013

Respectfully submitted,

**WOLTERS KLUWER HEALTH, INC.
D/B/A MEDI-SPAN**

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